

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

ELAINE L. CHAO, Secretary of Labor, §
United States Department of Labor, §
Plaintiff, §
v. § Civil Action No. 3-07CV0548-K
TEXAS QUALITY PAINTING INC., §
MITCHELL ZIVIN, an individual, §
WENDY ZIVIN, an individual, and §
TRINIDAD SANCHEZ, an individual, §
Defendants. §

**DEFENDANTS' MOTION TO WITHDRAW AND
SUBSTITUTE COUNSEL OF RECORD**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COME Defendants Texas Quality Painting Inc., Mitchell Zivin, Wendy Zivin and Trinidad Sanchez (collectively "Defendants"), and file this Unopposed Motion to Withdraw and Substitute Counsel of Record. Defendants currently are represented by Winstead PC, John D. Smart and Dallan Flake. Defendants desire to have said counsel withdraw as counsel of record and substitute Daniel G. Rogers, Paul Flannigan and the law firm of Pearce Ferguson & Krueger, P.C., 2805 Dallas Parkway, Suite 230, Plano, Texas 75093, as counsel of record.

This Motion to Withdraw and Substitute Counsel of Record for Defendants is based on good cause in that it can be accomplished without material adverse effect on the interests of Defendants. The withdrawal and substitution are not sought for delay alone. Defendants' request for withdrawal and requested substitution of counsel of record will not delay the currently scheduled trial date.

Respectfully submitted,

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By: s/John D. Smart by permission

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JOHN D. SMART
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CERTIFICATE OF SERVICE

I hereby certify that I have forwarded a true and correct copy of the above and foregoing instrument to counsel for Plaintiff, Mary Kathryn Cobb, UNITED STATES DEPARTMENT OF LABOR, 525 S. Griffin Street, Suite 501, Dallas, Texas 75202, via certified mail, return receipt requested, on this 22nd day of October, 2007.

s/John D. Smart
ONE OF COUNSEL